

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

USCA Docket Number:

USDC Docket Number : 04-cv-12499

Dennis J. Solomon

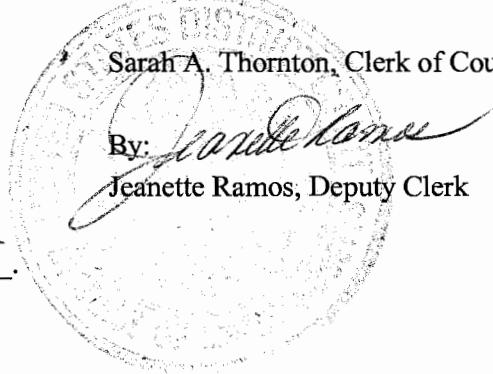
v.

Charles Vest, et al

**CLERK'S CERTIFICATE**

I, Sarah A Thornton, Clerk of the United States District Court for the District of Massachusetts, do hereby certify that the annexed documents as indicated on the certified copy of the docket and contained in Volume(s) I are the original pleadings and constitute the record on appeal in the above entitled case for the Notice of Appeal filed on 5/16/05.

In testimony whereof, I hereunto set my hand and affix the seal of this Court on May 23, 2005.



Receipt of the documents in the above entitled case is hereby acknowledged this date: 5/24/05.

D. Barchard  
Deputy Clerk, US Court of Appeals

Please complete the following information:

COURT OF APPEALS DOCKET NUMBER ASSIGNED: \_\_\_\_\_

[cv: apprec.] [cr: kapprec.]

## APPEAL, PATENT

United States District Court  
District of Massachusetts (Boston)  
**CIVIL DOCKET FOR CASE #: 1:04-cv-12499-WGY**

Solomon v. Vest et al

Date Filed: 11/12/2004

Assigned to: Chief Judge William G. Young

Jury Demand: Plaintiff

Cause: 28:1338 Patent Infringement

Nature of Suit: 830 Patent

Jurisdiction: Federal Question

**Plaintiff**

**Dennis J. Solomon**

represented by **Dennis J. Solomon**

P.O. Box 289

Yarmouthport, MA 02675

508-394-1737

PRO SE

V.

**Defendant**

**Charles Vest**

**Defendant**

**MIT**

represented by **Jeffrey Swope**

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**Defendant**

**Lita Nelson**

**Defendant**

**Raytheon, Inc.**

**Defendant**

**Dennis Picard**

**Defendant**

**Teledyne, Inc.**

**Defendant**

**Richard Simmons**

**Defendant**

**Natasha Lisman**

**Defendant**

**Robert Lawless**

**Defendant**

**Actuality Systems, Inc.**

**Defendant**

**Greg Favalora**

**Defendant**

**Robert Ryan**

**Defendant**

**The Office/Ellis Office  
Systems**

**Defendant**

**Texas Instruments, Inc.** represented by **Edward J. Naughton**

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**Defendant**

**Dana Dudley**

**Defendant**

**Paul Killeen**

**Defendant**

**Alan Morse**

**Defendant**

**Stephen Mindich**

**Defendant**

**Orit Gadiesh**

**Defendant**

**Mary Wolfson**

**Defendant**

**Patrick E. Malloy**

**Defendant**

**Michael McManus**

**Defendant**

**Werner Erhartd/Est/Les**

**Defendant**

**Mark Mordecai**

**Defendant**

**Keith Long**

**Defendant**

**John Vinton**

**Defendant**

**Cran Barry, Inc.**

**Defendant**

**Robert Ellis**

**Defendant**

**Richard Plotkin**

**Defendant**

**Altman, Inc.**

**Defendant**

**Robert Golden**

**Defendant**

**Rodney Gould**

**Defendant**

**Ellie Altman**

**Defendant****Robert Pujol****Defendant****Lightspace, Inc.****Defendant****Alan Sullivan****Defendant****Sunrise Systems, Inc.****Defendant****Microvision, Inc.****Defendant****Richard Rutkowski****Defendant****Joel Kollin****Defendant****University of Southern California**

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**ATTORNEY TO BE NOTICED**

**Defendant**

**Scott Edelman**

**Defendant**

**John Doe 1-10**

**Defendant**

**Jane Doe 1-10**

Date	#	Docket Text
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Filed		
11/12/2004	•1	COMPLAINT against all defendants Filing fee: \$ 150, Receipt # 60411, filed by Dennis J. Solomon. (Attachments: # <u>1</u> Civil Cover Sheet)(Bell, Marie) (received for docketing 11/30/04) (Entered: 11/30/2004)
11/29/2004	•	Summons Issued as to Actuality Systems, Inc., Ellie Altman, Altman, Inc., Cran Barry, Inc., Jane Doe 1-10, John Doe 1-10, Dana Dudley, Scott Edelman, Robert Ellis, Greg Favalora, Orit Gadiesh, Robert Golden, Rodney Gould, Paul Killeen, Joel Kollin, Robert Lawless, Lightspace, Inc., Natasha Lisman, Keith Long, MIT, Patrick E. Malloy, Michael McManus, Microvision, Inc., Stephen Mindich, Mark Mordecai, Alan Morse, Lita Nelson, Dennis Picard, Richard Plotkin, Productivity Systems, Inc., Robert Pujol, Raytheon, Inc., Richard Rutkowski, Robert Ryan, Richard Simmons, Alan Sullivan, Sunrise Systems, Inc., Teledyne, Inc., Texas Instruments, Inc., The Office/Ellis Office Systems, University of Southern California, Charles Vest, John Vinton, Werner Erhardt/Est/Les, Mary Wolfson. (Bell, Marie) (Entered: 11/30/2004)
11/29/2004	•	If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge Alexander. (Bell, Marie) (Entered: 11/30/2004)
02/15/2005	•2	MOTION to Dismiss by MIT. c/s.(Bell, Marie) (Entered: 02/17/2005)
02/15/2005	•3	MEMORANDUM in Support re <u>2</u> MOTION to Dismiss filed by MIT. (Attachments: # <u>1</u> Exhibit A-Part 1# <u>2</u> Exhibit A-Part 2# <u>3</u> Exhibit B# <u>4</u> Exhibit C# <u>5</u> Exhibit D# <u>6</u> Exhibit E# <u>7</u> Exhibit F# <u>8</u> Exhibit G) (Bell, Marie) (Entered: 02/17/2005)

02/15/2005	•4	STATEMENT Pursuant to LR 7.1(A)(2) re <u>2</u> MOTION to Dismiss by MIT. c/s. (Bell, Marie) (Entered: 02/17/2005)
02/15/2005	•5	CORPORATE DISCLOSURE STATEMENT by MIT. c/s. (Bell, Marie) (Entered: 02/17/2005)
02/15/2005	•6	MOTION to be Relieved from Serving the other defendants by MIT. c/s.(Bell, Marie) (Entered: 02/17/2005)
02/18/2005	•7	NOTICE of Hearing on Motion <u>2</u> MOTION to Dismiss: Motion Hearing set for 3/23/2005 02:30 PM in Courtroom 18 before Chief Judge William G. Young. Opposition is due by 3/1/05. reply brief, if any, is due by 3/11/05.(Smith, Bonnie) (Entered: 02/18/2005)
02/18/2005	•	Judge William G. Young : Electronic ORDER entered re: <u>6</u> Motion To be Relieved from Serving the Other Defendants. MOTION ALLOWED, PROVIDED THAT SUPPLEMENTARY SERVICE OF ALL PLEADINGS IS MADE ON ALL DEFENDANTS WHO HAVE APPEARED AT THE TIME OF THE INITIAL CASE MANAGEMENT SCHEDULING CONFERENCE PURSUANT TO LOCAL RULE 16.1. cc/cl. (Bell, Marie) Mod (Entered: 02/18/2005)
02/23/2005	•8	MOTION to Strike <u>2</u> MOTION to Dismiss and Removal Mr. Swope by Dennis J. Solomon. c/s.(Bell, Marie) (Entered: 02/24/2005)
02/23/2005	•9	AFFIDAVIT of Dennis J. Solomon re <u>8</u> MOTION to Strike <u>2</u> MOTION to Dismiss and Removal Mr. Swope by Dennis J. Solomon. (Bell, Marie) (Entered: 02/24/2005)
02/23/2005	•10	MOTION Pursuant to Fed. R. Civ. P. 5(c) by Dennis J. Solomon. c/s.(Bell, Marie) (Entered: 02/24/2005)
02/25/2005	•	Judge William G. Young : Electronic ORDER entered

		denying <u>8</u> Motion to Strike <u>10</u> Treating this as an assent to MIT's motion Granting MOTION Pursuant to Fed. R. Civ. P. 5(c), (Smith, Bonnie) (Entered: 02/28/2005)
02/25/2005	<u>•11</u>	MOTION for Leave to File Substitute Statement Pursuant to LR 7.1 (A)(2) by MIT.(Bell, Marie) (Entered: 03/02/2005)
03/02/2005	<u>•</u>	Judge William G. Young : Electronic ORDER entered granting <u>11</u> Motion for Leave to File Substitute Statement. cc/cl. (Bell, Marie) (Entered: 03/02/2005)
03/02/2005	<u>•12</u>	Substituted Statement Pursuant to LR 7.1(A)(2) by Jeffrey Swope on behalf of MIT. (Bell, Marie) (Entered: 03/02/2005)
03/08/2005	<u>•13</u>	NOTICE of Appearance by Andrew C. Oatway on behalf of University of Southern California (Oatway, Andrew) (Entered: 03/08/2005)
03/08/2005	<u>•14</u>	MOTION for Leave to Appear Pro Hac Vice by Feuer and Wetzstein by University of Southern California. (Attachments: # <u>1</u> Affidavit # <u>2</u> Affidavit)(Oatway, Andrew) (Entered: 03/08/2005)
03/08/2005	<u>•15</u>	MOTION to Dismiss for Lack of Jurisdiction by University of Southern California. (Attachments: # (1) Affidavit # <u>2</u> Affidavit)(Oatway, Andrew) Additional attachment(s) added on 3/8/2005 (Bell, Marie). (Entered: 03/08/2005)
03/08/2005	<u>•16</u>	STATEMENT OF COUNSEL of Under Local Rule 7.1A2 by University of Southern California. (Oatway, Andrew) (Entered: 03/08/2005)
03/08/2005	<u>•17</u>	CORPORATE DISCLOSURE STATEMENT by University of Southern California. (Oatway, Andrew) (Entered: 03/08/2005)
03/08/2005	<u>•18</u>	MOTION to be Relieved from Serving Other Defendants <i>FRCP 5</i> by University of Southern

		California.(Oatway, Andrew) (Entered: 03/08/2005)
03/09/2005	•	NOTICE of Hearing on Motion <u>15</u> MOTION to Dismiss for Lack of Jurisdiction: Motion Hearing set for 3/23/2005 02:00 PM in Courtroom 18 before Chief Judge William G. Young. Opposition is due by 3/22/05,(Smith, Bonnie) (Entered: 03/09/2005)
03/10/2005	•	Judge William G. Young : Electronic ORDER entered granting <u>18</u> Motion To be Relieved from Serving Other Defendants. cc/cl. (Bell, Marie) (Entered: 03/10/2005)
03/10/2005	•	Filing fee: \$ 100.00, receipt number 62626 regarding Motion Pro Hac Vice (Bell, Marie) (Entered: 03/10/2005)
03/10/2005	• <u>21</u>	MOTION for Clarification re 2/25/05 Electronic Order on Motion to Strike, by Dennis J. Solomon. c/s.(Bell, Marie) (Entered: 03/15/2005)
03/11/2005	•	Judge William G. Young : Electronic ORDER entered granting <u>14</u> Motion for Leave to Appear Pro Hac Vice Added Joes A. Feuer for University of Southern California, Sarah R. Wetzstein for University of Southern California. cc/cl. (Bell, Marie) (Entered: 03/11/2005)
03/11/2005	• <u>19</u>	MOTION to Correct and Amend <u>1</u> Complaint by Dennis J. Solomon. c/s.(Bell, Marie) (Entered: 03/15/2005)
03/11/2005	• <u>20</u>	MOTION for the Accompanying Motion be Subject to a Protective Order by Dennis J. Solomon. c/s.(Bell, Marie) (Entered: 03/15/2005)
03/15/2005	• <u>35</u>	MOTION for Leave to Proceed in forma pauperis by Dennis J. Solomon.(Bell, Marie) (Entered: 05/03/2005)
03/17/2005	• <u>22</u>	CERTIFICATE OF SERVICE by Dennis J. Solomon of all pleadings on all defendants who have appeared

		at the time of the initial case management scheduling conference. (Bell, Marie) (Entered: 03/18/2005)
03/21/2005	•23	NOTICE of Appearance by Edward J. Naughton on behalf of Texas Instruments, Inc. (Naughton, Edward) (Entered: 03/21/2005)
03/21/2005	•24	MOTION to Dismiss by Texas Instruments, Inc.. (Naughton, Edward) (Entered: 03/21/2005)
03/21/2005	•25	MEMORANDUM in Support re <u>24</u> MOTION to Dismiss filed by Texas Instruments, Inc.. (Naughton, Edward) (Entered: 03/21/2005)
03/21/2005	•26	CORPORATE DISCLOSURE STATEMENT by Texas Instruments, Inc.. (Naughton, Edward) (Entered: 03/21/2005)
03/21/2005	•27	MOTION Pursuant to Fed. R. Civ. P. 5(c) re <u>23</u> Notice of Appearance, <u>24</u> MOTION to Dismiss, <u>25</u> Memorandum in Support of Motion, <u>26</u> Corporate Disclosure Statement by Texas Instruments, Inc.. (Naughton, Edward) (Entered: 03/21/2005)
03/22/2005	•28	Opposition re <u>15</u> MOTION to Dismiss for Lack of Jurisdiction filed by Dennis J. Solomon. c/s. (Bell, Marie) (Entered: 03/23/2005)
03/23/2005	•	Electronic Clerk's Notes for proceedings held before Judge William G. Young : Motion Hearing held on 3/23/2005 re <u>2</u> MOTION to Dismiss filed by MIT,, <u>15</u> MOTION to Dismiss for Lack of Jurisdiction filed by University of Southern California,. Plaintiff Pro Se Dennis J. Solomon did not appear after being duly noticed by the Court. Attys. Swope and Krolikowski were present for deft. MIT. Atty. Wetzstein was present for the deft. Univ. of Southern California. After hearing, the Court allows deft. MIT's Motion to Dismiss (#2) on grounds of res judicata, and further allows deft. Univ. of Southern California's Motion to Dismiss(#15), as the Court has no jurisdiction. Atty.

		Swope advises the Court that defts. Charles Vest and Lisa Nelson have not been served and the Court rules that the plaintiff is non-suited as to all counts. The case will be dismissed for failure of the plaintiff to appear and prosecute. (Court Reporter Don Womack.) (Johnson, Mary) . Modified on 3/23/2005 (Johnson, Mary). (Entered: 03/23/2005)
03/23/2005	•	Judge William G. Young : Electronic ORDER entered granting <u>15</u> Motion to Dismiss for Lack of Jurisdiction, granting <u>2</u> Motion to Dismiss. (Johnson, Mary) (Entered: 03/23/2005)
03/23/2005	•	Judge William G. Young : Electronic ORDER entered. GRANTING <u>27</u> MOTION Pursuant to Fed. R. Civ. P. 5(c) re <u>23</u> Notice of Appearance, <u>24</u> MOTION to Dismiss, <u>25</u> Memorandum in Support of Motion, <u>26</u> Corporate Disclosure Statement filed by Texas Instruments, Inc., cc/cl.(Bell, Marie) (Entered: 03/29/2005)
03/25/2005	•30	CERTIFICATE OF SERVICE by MIT. (Bell, Marie) (Entered: 03/30/2005)
03/28/2005	•29	Judge William G. Young : ORDER entered. ORDER DISMISSING CASE(Smith, Bonnie) (Entered: 03/28/2005)
04/06/2005	•31	Opposition re <u>24</u> MOTION to Dismiss filed by Dennis J. Solomon. c/s. (Bell, Marie) Additional attachment (s) added on 4/8/2005 (Bell, Marie). (Entered: 04/07/2005)
04/19/2005	•32	MOTION to Vacate <u>29</u> Order Dismissing Case by Dennis J. Solomon.c/s.(Bell, Marie) (Entered: 04/20/2005)
05/02/2005	•33	Opposition re <u>32</u> MOTION to Vacate <u>29</u> Order Dismissing Case filed by Texas Instruments, Inc.. (Naughton, Edward) (Entered: 05/02/2005)

05/02/2005	• 34	Opposition re <u>32</u> MOTION to Vacate <u>29</u> Order Dismissing Case filed by MIT. (Swope, Jeffrey) (Entered: 05/02/2005)
05/02/2005	•	Judge William G. Young : Electronic ORDER entered. re <u>20</u> MOTION for Protective Order filed by Dennis J. Solomon. MOTION DENIED. cc/cl.(Bell, Marie) (Entered: 05/03/2005)
05/02/2005	•	Judge William G. Young : Electronic ORDER entered denying <u>35</u> Motion for Leave to Proceed in forma pauperis. cc/cl. (Bell, Marie) (Entered: 05/03/2005)
05/02/2005	•	Judge William G. Young : Electronic ORDER entered Denying <u>35</u> MOTION for Leave to Proceed in forma pauperis filed by Dennis J. Solomon, (Bell, Marie) (Entered: 05/05/2005)
05/03/2005	• 36	MOTION to Amend <u>34</u> Opposition to Motion by MIT. (Attachments: # <u>1</u> Amended Opposition to Plaintiff's Request for Correction of the Order of March 28, 2005 Dismissing the Present Case)(Swope, Jeffrey) (Entered: 05/03/2005)
05/03/2005	• 37	Opposition re <u>32</u> MOTION to Vacate <u>29</u> Order Dismissing Case filed by University of Southern California. (Oatway, Andrew) (Entered: 05/03/2005)
05/03/2005	•	Judge William G. Young : Electronic ORDER entered DENYING <u>32</u> MOTION to Vacate <u>29</u> Order Dismissing Case and GRANTING <u>36</u> Motion to Amend Opposition. cc/cl. (Bell, Marie) (Entered: 05/03/2005)
05/09/2005	• 38	MOTION for Reconsideration re Order dated 5/3/05 and Recusal by Dennis J. Solomon. (Attachments: # <u>1</u> Affidavit). c/s.(Bell, Marie) (Entered: 05/10/2005)
05/11/2005	•	Judge William G. Young : Electronic ORDER entered denying <u>38</u> Motion for Reconsideration re Order on Motion to Vacate, Order on Motion to Amend. cc/cl.

		(Bell, Marie) (Entered: 05/12/2005)
05/16/2005	39	NOTICE OF APPEAL as to Order on Motion to Vacate, Order on Motion to Amend, Order on Motion for Reconsideration by Dennis J. Solomon. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov/clerks/transcript.htm">http://www.ca1.uscourts.gov/clerks/transcript.htm</a> MUST be completed and submitted to the Court of Appeals. Appeal Record due by 6/6/2005. cc/cl.(Bell, Marie) (Entered: 05/17/2005)